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SIXTIETH LEGISLATURE

NINETY-SIXTH LEGISLATIVE DAY
FRIDAY, APRIL 17, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Darrington and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 16, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Stegner was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 16, 2009

The JUDICIARY AND RULES Committee reports that [S 1165](#), [S 1167](#), [S 1169](#), [S 1175](#), as amended, [S 1185](#), [S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), [S 1198](#), [S 1199](#), [S 1200](#), [S 1201](#), [S 1202](#), [S 1203](#), [S 1205](#), and [S 1206](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1165](#), [S 1167](#), [S 1169](#), [S 1175](#), as amended, [S 1185](#), [S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), [S 1198](#), [S 1199](#), [S 1200](#), [S 1201](#), [S 1202](#), [S 1203](#), [S 1205](#), and [S 1206](#) and ordered them transmitted to the House for the signature of the Speaker.

April 16, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1054](#), [S 1086](#), as amended in the House, [S 1088](#), as amended in the House, [S 1110](#), as amended in the House, [S 1121](#), as amended in the House, [S 1141](#), as amended, as amended, [S 1145](#), and [S 1186](#) were delivered to the Office of the Governor at 2:10 p.m., April 16, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 16, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [SJM 102](#) was delivered to the Office of the Secretary of State at 2:07 p.m., April 16, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 16, 2009

The JUDICIARY AND RULES Committee reports out [H 178](#), as amended, with the recommendation that it do pass.

DARRINGTON, Chairman

[H 178](#), as amended, was filed for second reading.

April 16, 2009

The FINANCE Committee reports out [H 311](#) and [H 312](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 311](#) and [H 312](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 16, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 231](#) and [H 248](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 231](#) and [H 248](#) and ordered them returned to the House.

April 16, 2009

Dear Mr. President:

I return herewith Enrolled [S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1187](#), [S 1188](#), [S 1189](#), [S 1190](#), and [S 1191](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1187](#), [S 1188](#), [S 1189](#), [S 1190](#), and [S 1191](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Senator Darrington was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that [HCR 30](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Hammond, [HCR 30](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator McKenzie was recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 306](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 306](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 306](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 267](#), as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 267](#), as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 267](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 258](#), as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 258](#), as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 258](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 218](#), as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 218](#), as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Winder. Total - 34.

NAYS—Werk. Total - 1.

Total - 35.

Whereupon the President declared [H 218](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 187](#), as amended in the Senate, were suspended, and the

portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 187](#), as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [H 187](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 287](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[S 1224](#) and [S 1225](#), by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [H 287](#) was placed at the head of the Third Reading Calendar, and [S 1224](#) and [S 1225](#) were placed at the foot of the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

April 17, 2009

Dear Mr. President:

I transmit herewith [H 313](#), [H 314](#), [H 286](#), [H 315](#), [H 319](#), [H 320](#), and [H 322](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 313](#), [H 314](#), [H 286](#), [H 315](#), [H 319](#), [H 320](#), and [H 322](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 313](#), [H 314](#), [H 315](#), [H 319](#), [H 320](#), and [H 322](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 286](#), by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 17, 2009

The FINANCE Committee reports out [H 313](#), [H 314](#), [H 315](#), [H 319](#), [H 320](#), and [H 322](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 313](#), [H 314](#), [H 315](#), [H 319](#), [H 320](#), and [H 322](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:30 a.m. until the hour of 11 a.m., Monday, April 20, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary